

## REMARKS

An Official Action was mailed on June 8, 2006, marked final, in which claims 1, 10-12, 14-19, 22-23 were rejected as anticipated under Section 102(e) by U.S. Patent No. 6,611,814 of Lee et al., and in which claims 3-9, 20 and 21 were rejected as being obvious over Lee in view of U.S. Patent No. 6,657,702 of Chui et al.

In response to the previous Official Action, Applicant had submitted an affidavit and accompanying evidence to show reduction to practice in the United States prior to the effective date of the Lee patent. According to the Patent Office, the evidence in support of the affidavit was insufficient in view of the redactions in the exhibits that accompanied the declarations. However, in considering the affidavits themselves, the Patent Office did not indicate any deficiencies.

On June 14, 2006, the undersigned spoke with Examiner Won regarding a resubmission of evidence in support of the affidavits of record with fewer redactions. The undersigned explained that the redactions in the original submission were made in accordance with good practice to preserve attorney-client privilege, and that the substance of the accompanying documents, namely that they comprise invoices and correspondence concerning the subject application, is not in dispute. The undersigned appreciates the Examiner's position that insufficient information was depicted in the evidence due to the redactions, but submits that this is common practice to preserve privilege. However, to demonstrate with more clarity that the evidence previously submitted supports the 37 C.F.R. § 1.131 declarations, the undersigned has removed a number of the redactions to make clear that the inventive activity includes activity in May and June and July of 2000. Also, the evidence having fewer redactions demonstrates more clearly the nature of the work being performed during that time. Redactions remain as to unrelated prosecution matters and to general matters not germane to this application.

Applicant respectfully requests reconsideration of this evidence in the present case. The inventor on the subject application is an independent inventor and the cost associated with protracted prosecution is difficult for him to bear.

Dated:

Respectfully submitted,

By 

David Leason

Registration No.: 36,195

DARBY & DARBY P.C.

P.O. Box 5257

New York, New York 10150-5257

(212) 527-7700

(212) 527-7701 (Fax)

Attorneys/Agents For Applicant